



Austin City Council MINUTES

October 7, 1993 - 1:00 P.M.

Mayor Todd called to order the meeting of the Council, noting that Councilmember Goodman and Mayor Pro Tem Urdy were temporarily absent.

1. Approval of Minutes for Regular Meeting of September 30, 1993

On Councilmember Garcia's motion, Councilmember Shea's second, 5-0 Vote, Mayor Pro Tem Urdy and Councilmember Goodman not yet present.

CITIZEN COMMUNICATIONS: GENERAL

2. Fr. James D. Kenna, to announce the 52nd St. Elias Mediterranean Festival, a family event promoting Greek, Lebanese, Palestinian, Ethiopian and other ethnic community foods, dances and customs.
3. Mr. Robert Thomas, to help affirm employment with the Human Resources Department for coordination with the Rosewood Recreation Unit for minority contractors and to help recognize our efforts to develop a new era of recreational administration at the facility. Did not speak.
4. Mr. Brent White, to continue discussion the Mayor's illegal development agreement.
5. Mr. Leonard Lyons, to discuss the Council Member's conflict of interest; an apology.
6. Ms. Charlene Shillman, to dedicate the Bruce Todd Sculpture Garden, the Max Nofziger, Jackie Goodman, Brigid Shea, Gus Garcia, Ronnie Reynolds and Charles Urdy Galleria for the proposed Museum of Fine Arts, Austin, at 11th and I.H. 35.
7. Mr. Henry Ratliff, to discuss Barton Springs.
8. Mr. Rudy Cisneros, to discuss Ole' Mexico.
9. Ms. Diana Valera, to discuss Ole' Mexico.

10. Ms. Rachel Davila, to discuss Ole' Mexico.
Did not speak.
11. Ms. Cathy Vasquez Revilla, to discuss Ole' Mexico.

BOARD AND COMMISSION REPORTS

12. SOLID WASTE ADVISORY COMMISSION - Ms. Gail Vittori presented the Multi-family Recycling Recommendations of the Multi-Family Task Force.

ORDINANCES

13. Approve second/third readings of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 1624 East Anderson Lane, Case No. C14-93-0092, from "SF-3", Family Residence to "LO", Limited Office, TEXAS PHARMACEUTICAL ASSOCIATION (Paul Davis), by Page Sutherland Page (Jim Alvis). First reading on September 2, 1993; Vote 6-0, Councilmember Reynolds out of the room. Conditions met as follows: Right-of-way reservation will be addressed through the subdivision process. On Councilmember Nofziger's motion, Councilmember Goodman's second, 7-0 Vote.
14. Approve third reading of an ordinance amending Chapter 13-2 of the Austin City Code rezoning property locally known as 12103-12299 North IH-35, Case No. C14-92-0150, from "SF-2" to "GO-CO, GR-CO, and CS-CO", TEXAS COMMERCE BANK-AUSTIN N.A. (Doug Snyder), by Holford Group (David Holt). First reading on May 6, 1993; Vote: 5-0-1, Councilmembers Nofziger absent and Garcia abstained. Second reading on June 10, 1993; Vote: 5-0-1 Vote, Councilmember Garcia abstained, Mayor Todd absent.. Conditions met as follows: conditional overlay incorporates conditions imposed by Council.

Motion - Died for Lack of Second

Councilmember Reynolds made a motion, to approve. Motion died for lack of second.

Motion

Councilmember Reynolds made a motion, seconded by Councilmember Nofziger to postpone to October 14, 1993. 6-0 Vote, Councilmember Garcia out of the room.

15. Deny a request to amend Sec. 6.2 of the Moore's Crossing MUD consent agreement to extend the period during which the City will not dissolve the MUD from ten (10) or fifteen (15) years after confirmation to 25 years, to extend the ten (10) year deadline for construction of 90% of district facilities to 25 years, and of a request from the applicant to waive the \$2,300 amendment application fee.
Postponed to October 14, 1993 as requested by applicant.

16. Approve declaring the necessity and ordering improvements to Teri Road, from I.H. 35 to Freidrich Lane. (This is the first ordinance of four required to levy paving assessments.)

On Councilmember Nofziger's motion, Councilmember Goodman's second, 7-0 Vote.

RESOLUTIONS

17. Approve negotiation and execution of twelve (12) month contracts with AIDS SERVICES OF AUSTIN, in the amount of \$65,104; AUSTIN/TRAVIS COUNTY MEMR CARE UNIT, in the amount of \$31,479 per year; COMMUNITY ACTION, in the amount of \$65,627; and PLANNED PARENTHOOD, in the amount of \$22,152, for HIV early intervention services under the United States Department of Health Services, Ryan White/Title III grant program, in an amount not to exceed \$184,362, including the option to renew for two (2) additional twelve (12) month periods, in an amount not to exceed \$184,362 per extension, for a total amount of \$553,086. (Funding is included in the 1993-94 operating budget, Special Revenue Fund, for the Health and Human Services Department; funding for the extensions is contingent upon availability of funds through the United States Department of Health and Human Services (Ryan White Title III Grant Program.)
18. Approve execution of a twelve (12) month supply agreement with LIBRARY BINDING COMPANY, Waco, Texas, for the bookbinding of paperback books for the Austin Public Library, in an amount not to exceed \$35,992.60, with two (2) twelve (12) month extension options, in an amount not to exceed \$35,992.60 per extension, for a total amount not to exceed \$107,977.80. (Funding is available in the 1993-94 operating budget for the Library Department; funding for the extension options is contingent upon availability of funding in future budgets.) Low bid of two (2). No M/WBE Subcontracting opportunities were identified.
19. Approve execution of a contract award with CIBA CORNING DIAGNOSTICS CORPORATION, Medfield, Massachusetts, for two (2) blood gas analyzers to be used in the Laboratory Department of Brackenridge Hospital, in an amount not to exceed \$45,600. (Funding is available in the 1993-94 operating budget of Brackenridge Hospital.) Sole Source. No M/WBE Subcontracting opportunities were identified.
20. Approve execution of a twelve (12) month supply agreement with GENERAL MEDICAL CORPORATION, Austin, Texas, for disposable surgical instrument tray wrappers to be used by the Central Sterile Division of Brackenridge Hospital, in an amount not to exceed \$121,732.68, including an option to extend thereafter for up to two (2) additional twelve (12) month periods, in an amount not to exceed \$121,732.68 per extension, for a total amount not to exceed \$365,198.04. (Funding is available in the 1993-94 operating budget of Brackenridge Hospital; funding for the extension options is contingent upon availability of funding in future budgets.) Low bid of nine (9) meeting specifications. No M/WBE Subcontracting opportunities were identified.

21. Authorize negotiation and execution of an amendment with ABBE/GARRETT ENGINEERING INCORPORATED, Austin, Texas, for construction management and post-construction services for the Walnut Creek Wastewater Treatment Plant dechlorination improvements, Phases C, D and E, in the amount of \$275,000, for a total contract amount of \$598,750. (Funding was included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) 4.42% MBE, 8.58% WBE Subcontractor participation. (To be reviewed by Water and Wastewater Commission on October 6, 1993.)
22. Approve a construction contract award to KEYSTONE CONSTRUCTION INC., Austin, Texas, for construction of the Chlorination/Dechlorination Improvements at the Walnut Creek Wastewater Treatment Plant, in the amount of \$2,345,500. (Funding was included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) Low bid of five (5). 10.24% MBE, 8.35% WBE Subcontractor participation. (Approved by Water and Wastewater Commission on October 6, 1993.)
23. Approve a construction contract award to M.E.K. INTERIORS AND FLOORS, INC., (WBE), Houston, Texas, for the installation of carpet at the Howson, Carver and Terrazas Branch Libraries, in the amount of \$69,911. (Funding was included in the 1991-92 Capital Budget of the Library Department.) Low responsive bid of three (3). No M/WBE Subcontracting opportunities were identified.

#17-23 on Councilmember Nofziger's motion, Councilmember Goodman's second, 7-0 Vote.

24. Approve Change Order #1 and Final Payment to OSCAR RENDA CONTRACTING, Roanoke, Texas as a termination and settlement of the South Austin Outfall Relief Main Project, Phase II, in the amount of a net deduction of \$2,319,205 for a total contract amount of \$333,000. (Funding was included in the 1991-92 Capital Budget of the Water and Wastewater Utility.) [To be reviewed by Water and Wastewater Commission on October 6, 1993.]
On Councilmember Goodman's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.
25. Approve a construction contract award to REDDICO CONSTRUCTION CO., Leander, Texas, for Transportation System Improvements at Kramer Lane and Metric Boulevard and at Kramer Lane and Braker Lane, in the amount of \$302,100. (Funding in the amount of \$299,900 was included

in the 1992-93 Capital Budget of the Department of Public Works and Transportation; \$2,200 was included in the 1991-92 Capital Budget of the Water Utility.) Low bid of three (3). 26.28% MBE, 6.41% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission)

On Councilmember Nofziger's motion, Councilmember Goodman's second, 7-0 vote

26. Approve a construction contract award to AUSTIN BRIDGE & ROAD, INC., Austin, Texas, for street and drainage improvements to Reyna Street/Krebs Lane, Dunlap Street and Wadford Street for the Community Development District Street and Drainage Improvements Project, in the amount of \$675,701.25. (Funding in the amount of \$511,365.50 was included in the 1991-92 Capital Budget of the Department of Public Works and Transportation; \$162,460.75 was included in the 1991-92 Capital Budget of the Water Utility; \$1,875 was included in the 1991-92 Capital Budget of the Wastewater Utility.) Single bid. 16.97% MBE, 2.64% WBE Subcontractor participation. (Recommended by Water and Wastewater Commission) To be re-bid.

27. Approve a construction contract award to DAYCO CONSTRUCTION COMPANY, Austin, Texas, for erosion control measures at Little Walnut Creek (Langston Drive), in the amount of \$736,021. (Funding was included in the 1992-93 Capital Budget of the Drainage Utility.) Low bid of five (5). 16.54% MBE, .59% WBE Subcontractor participation. (Recommended by Environmental Board) To be re-bid.

#26 and 27 will be rebid, on Mayor Pro Tem Urdy's motion, Councilmember Reynolds second, 7-0 Vote,

28. Approve Change Order No. 9 to PELZEL & ASSOCIATES, INC., Austin, Texas, for securing and protecting the work in place during the time the St. Elmo Vehicle Maintenance Facility Project, C.I.P. No. 887-787-0250 was stopped, in the amount of \$9,060.54, for a total contract amount of \$1,658,309.29. (Funding was included in the 1991-92 Capital Budget of the Public Works and Transportation Department.) On Councilmember Nofziger's motion, Councilmember Goodman's second, 7-0 Vote.

29. Certify the availability of matching funds for Intermodal Surface Transportation Enhancement Act (ISTEA) applications submitted by the City to the Texas Department of Transportation, and approve a prioritized ranking of the projects. (The total amount to be certified is \$2,008,606. Funding in the amount of \$125,006 is available in the operating budgets of Public Works, Planning and Development and the Convention and Visitors Bureau Departments; and \$1,799,600 is available in the Capital Budgets of the Electric

Utility, Parks and Recreation and Public Works Departments; \$75,000 will be provided through a donation from Capital Metro, and \$9,000 from the Austin Heritage Society.)

Motion

Councilmember Reynolds moved approval, "adding in #5, Rehabilitation and Preservation of Steam Train Railway, steam train funding for fixing rail tracks \$1,026,634; City-match \$205,326 (Recommended funding source, \$164,326 from Capital Budget for Public Works and Railroad crossings and \$41,000 cash-in-kind contribution from Austin Steam Train Association), add that into a list of priorities in the form of a motion in Priority List #5 as compared to #11, I don't know if that makes any difference with ATS but we're going to put it there anyway, and so I'd like to move approval of Item 29, adding #5 and taking items #5-10 and just dropping them one number. That also means that the amount to be certified is \$2,213,932 and the Capital Budget amount is \$1,963,926 and the amount of source of funding there would be \$41,000 from the Steam Train Association." Mayor Pro Tem Urdy seconded the motion.

Motion to Add an Amendment to the Amendment

Councilmember Shea offered an amendment to the amendment to state "certify land and/or cash as the match for LBJ Scenic Trail. The amendment was accepted.

Roll Call on Motion with Amendments

7-0 Vote

30. Confirm the appointment of Dr. Judith Ann Loreda to the Civil Service Commission.
31. Approve a schedule for receiving public comment on the Disparity Study and developing recommendations on minority and women owned business enterprise procurement policies based on the findings of the study.
32. Set a public hearing regarding the City's consent to the creation of Travis County Barton Creek MUDS 3-9. (Suggested date and time: October 21, 1993 at 6:45 p.m.)
33. Set a public hearing to approve a 48,951 sq. ft. (1.124 acre) permanent wastewater easement and an approximately 20' wide (1.81 acre) parallel temporary construction use easement to allow the construction of the Slaughter Lane Area III Wastewater interceptor through dedicated parkland known as Mary Moore Searight Metropolitan

Park in accordance with Sec. 26.001 et seq. of the Texas Parks and Wildlife Code. (Suggested date and time: November 4, 1993 at 4:30 p.m.)

#30-33 on Councilmember Nofziger's motion, Councilmember Goodman's second, 7-0 Vote.

ITEMS FROM COUNCIL

34. Repeal the provisions of Chapter 7-4 of the City Code which prohibit, limit, or restrict business transactions between the City and individuals or business enterprises which have financial relations with South Africa. (Councilmember Michael "Max" Nofziger and Mayor Pro Tem Charles Urdy)

On Councilmember Nofziger's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Garcia out of the room.

35. Approve an ordinance adding a new Chapter 16-2 authorizing the appointment of qualified persons (Disabled Parking Enforcement Volunteer) to enforce the disabled parking law and to issue citations for violations of said law. (Mayor Bruce Todd and Councilmember Jackie Goodman)

On Councilmember Nofziger's motion, Councilmember Goodman's second, 7-0 Vote.

4:00 P.M. - ZONING HEARINGS AND APPROVAL OF ORDINANCES

36. C14-85-149.100.03 - MELLON PROPERTIES CO. (Blake Magee), by Graves, Dougherty, Hereon (Anne E. Vanderburg), Avenue N and Pansy Lane. Restrictive Covenant Amendment. Planning Commission Recommendation: To approve the staff recommendation to amend the conceptual land use plan which is part of the restrictive covenant on the Scofield Farms development as follows: (1) Planning Area 3 and 12B shall be changed from R&D, Research and Development to SF-6 limited to 5 units per acre as recommended under zoning case C14-93-0068. (2) Planning Area 12A shall be changed from LR, Neighborhood Commercial zoning to MF-1, Multifamily Residence zoning as recommended under zoning case C14-93-0068. (3) Planning Area 25D shall be changed from P, Public District to RR, Rural Residence zoning as recommended under zoning case C14-93-0068.

APPROVE - On Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Garcia out of the room.

37. C14-93-0068 - MELLON PROPERTIES CO. (Blake Magee), by Graves, Dougherty, Hearon (Anne E. Vanderburg), Avenue N and Pansy Lane. From LR, R&D & P to MF-1, SF-6 & RR. Planning Commission Recommendation: To grant (1) SF-6-CO, Townhouse and Condominium Residence-Conditional Overlay, zoning for Planning Areas 3 and 12B,

limited to 5 units per acre; (2) MF-1, Multifamily, zoning for Planning Area 12A; and (3) RR, Rural Residence, zoning for Planning Area 25D.

FIRST READING, On Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Garcia out of the room.

38. C14-93-0088 - GIRLING HEALTH CARE, INC. (Robert G.W. Girling, III), by Rylander Consulting Group (Carol Rylander), 1304-1306 West 49th Street and 4903 Woodrow. From SF-3 to L0. Planning Commission Recommendation: To grant L0, Limited Office, zoning subject to dedication of up to forty feet (40') of right-of-way from the existing centerline of Woodrow Avenue and up to thirty-five feet (35') from the existing centerline of 49th Street. POSTPONED to November 18, 1993.
39. C14-93-0089 - GIRLING HEALTH CARE, INC. (Robert G.W. Girling, III), by Rylander Consulting Group (Carol Rylander), 1205-1207 West 49 1/2th Street. From SF-3 to L0. Planning Commission Recommendation: To Grant L0, Limited Office, subject to: (1) limit square footage to existing square footage; (2) limit building height to existing building height; (3) prohibit parking lot next to single family use; (4) prohibit access to 49 1/2 Street; and (5) prohibit daycare and private elementary school. POSTPONED to November 18, 1993.

#38-39 on Mayor Pro Tem Urdy's motion, Councilmember Nofziger's second, 6-0 Vote, Councilmember Garcia out of the room.

40. C14-93-0097 - FEDERAL DEPOSIT INSURANCE (Donna Brammer), by Urban Engineering Group, Inc. (Laura Toups), U.S. Hwy. 290 West and F.M. 1826. From GO to GR & SF-2. Planning Commission Recommendation: To grant SF-2, Single Family Residence (standard lot) for Tract 1, and GR, Community Commercial for Tract 2, subject to: (1) limiting signs on Tract 2 to berm signs only; and (2) prohibit automobile related uses, services stations, pawn shops, and financial services. ORDINANCE

Motion - Died for Lack of Second

Councilmember Goodman made a motion to approve staff recommendation. There was no second, so motion died.

Motion

The Council, on Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, approved Planning Commission recommendation. 5-1-0 Vote, Councilmember Goodman voted No, Councilmember Garcia out of the room.

41. C14-93-0099 - TRAVIS COUNTY WATER CONTROL (Nancy C. Castelline), 8005 Thomas Springs Road. From LR to P. Planning Commission Recommendation: To Grant P, Public District, zoning as requested.
ORDINANCE
42. C14-93-0104 - P.M. BRYANT COMPANY (Mark Bryant, Jr.), 6600 Burleson Road and 3627-3703 Dime Circle. From SF-4 to LI. Planning Commission Recommendation: To grant LI-CO, Limited Industrial Services-Conditional Overlay, subject to: (1) Limit General Retail Sales (general and convenience) to 13,269 sq. ft., and Medical Offices to 58,530 sq. ft. (2) Prohibit restaurant uses (drive-in, fast food, general and limited) and food sales. (3) Prohibit access to Burleson Road.
ORDINANCE
43. C14-93-0105 - PRIESMEYER PROPERTIES (E.G. Priesmeyer), by Site Specifics (B.J. Cornelius), 612 Farley Drive. From GR to CS. Planning Commission Recommendation: To grant CS-CO, Commercial Services-Conditional Overlay, zoning, subject to the following: (1) Dedication of thirty-five feet (35') of right-of-way from the existing centerline of Farley Lane; (2) Limitation of maximum development for the following uses: Warehousing - 450,560 sq. ft.; Retail - 13,269 sq. ft.; Medical Office - 58,560 sq. ft.; and (3) Prohibition of the following uses: Restaurant (drive-in/fast food, limited and general) and Food Sales.
ORDINANCE
44. C14-93-0107 - DAVIS SPRINGS PROPERTIES (Fred Eppright), Huffcut & Associates (Lauretta Dowd), West Farmer Lane. From R&D and P to IP-PDA. Planning Commission Recommendation: To grant IP-PDA, Industrial Park-Planned Development Area, zoning, subject to the following use and site development restrictions. Site Development Standards: (1) Maximum height - forty-five feet (45'). (2) Maximum building setbacks: Front Yard - 100'; Street Side Yard - 100'; Interior/Rear Yard - setbacks will be based on the adjoining zoning districts. (3) Maximum building cover - 40%. (4) Maximum impervious cover 65%. (5) Maximum Floor-To-Area Ratio (F.A.R.) - 0.50. Prohibited Uses: Agricultural Sales and Services, Automotive Rentals, Automotive Repair Services, Automotive Sales, Automotive Sales and Services, Construction Sales and Services, Convenience Storage, Extermination Services, General Warehousing and Distribution, Food Sales, Medical Office, and Railroad Facilities. The property will also be subject to the Planned Development Area Performance Standards as set forth in Section 13-2-269 of the Land Development Code.
FIRST READING

45. C14-93-0109 - BILL PFLUGER, TRUSTEE, by Griffin Engineering (Greg Griffin), 8650 Manchaca Road. From LO, SF-3 & SF-6 to LR, MF-2 & SF-2. Planning Commission Recommendation: To grant LR, Neighborhood Commercial, for Tract 1; MF-2-CO, Multifamily Residence (low density)-Conditional Overlay, for Tract 2, limiting density to 17 units per acre (u.p.a.); SF-2, Single Family Residence (standard lot), for Tract 3A; and SF-1, Single Family Residence (large lot), for Tract 3B.

FIRST READING

46. C14-93-0112 - FEDERAL DEPOSIT INSURANCE CORPORATION, by Starsburger & Price, Armbrust & Brown (Richard T. Suttle), 11400-11402 Tedford Street. From NO to W/LO. Planning Commission Recommendation: To grant W/LO-CO, limiting uses and FAR'S as follows: Limited Warehousing and Distribution and offices for building trades as the only permitted W/LO uses and permitted NO, Neighborhood Office, uses, and a Floor-to-Area of 0.33 to 1.0.

ORDINANCE

47. C14-85-244.07 - BROWN, MCCARROLL & OAKS HARTLINE (Jerry Harris), by Holford Group (Charles Dunn), 10044-10098 Great Hills Trail. Restrictive Covenant Amendment. Planning Commission Recommendation: To approve the amendment to the Restrictive Covenant, filed in Volume 9839, Pages 566-572 in the Deed Records of Travis County, to delete the following requirements from the existing restrictive covenant: (1) Maximum floor to area ratio of 0:9; (2) GR, Community Commercial, site development regulations; (3) requirement for public site plan review; (4) compliance with the Golden Triangle Area Roadway Plan and dedication of right-of-way for MoPac Expressway.

APPROVE

48. C14-93-0051 - BROWN, MCCARROLL & OAKS HARTLINE (Jerry Harris), by Holford Group, (Charles Dunn), 10044-10098 Great Hills Trail. From CS to MF-4. Planning Commission Recommendation: To grant MF-4, Multi-family Residence (Moderate-High Density) zoning.

ORDINANCE

#41-48 on Mayor Pro Tem Urdy's motion, Councilmember Reynolds' second, 6-0 Vote, Councilmember Garcia out of the room.

To be heard by Planning Commission on October 5, 1993;
Recommendation to Follow

49. C14-93-0085 - SPICEWOOD BAPTIST CHURCH, INC. (Gary Smith) by Talisman Group (James T. Ross), 4320 Spicewood Springs Road. From I-SF-3 to LR. Planning Commission recommendation - Grant LR-CO with conditions.

FIRST READING AS RECOMMENDED BY PLANNING COMMISSION and direct Legal

and staff to work out the details and come back to Council on October 21, 1993.

On Councilmember Shea's motion, Councilmember Nofziger's second, 6-0 Vote, Mayor Pro Tem Urdy out of the room.

50. C14-93-0046 - CLARK LYDA, by Bury & Pittman (James Knight), 3402 West Farmer Lane. From SF-6 to MF-1.
Postponed to October 21, 1993
51. C14-93-0100 - WARREN M. BEAMAN, by Regis Matejczik, 505-507 East Riverside Drive. From GO to MF-4.
Postponed to October 14, 1993
52. C14-93-0103 - KLINGEMANN-PATTON PARTNERSHIP (Raymond Klingemann), by Travis & Associates (Chase Baromeo, Jr.), 5635 U.S. Hwy. 290 West. From DR to GR.
Postponed to October 14, 1993
53. C14-93-0108 - DAVIS & ASSOCIATES PROPERTY MANAGEMENT (Michael Berke), 2234 East Ben White Blvd. From GR to CS-1.
Postponed to October 21, 1993
54. C814-93-0001 - BARTON CREEK COMMUNITY PLANNED UNIT DEVELOPMENT (PUD) (Barrett Allison), by Strasburger & Price (David Armbrust), Area along the north and south sides of Barton Creek Boulevard; area north and south of Southwest Parkway. From CS, GR, P, DR, GO, LR, LO, MF-1, MF-2, SF-1, SF-2 and SF-6 to ETJ-PUD.
Postponed to October 21, 1993 at 6:45 P.M.

The following cases will be postponed to a future date. Posting of these items on this agenda is required due to a previous advertisement for this date.

55. C14-93-0106 - WHOLE FOODS MARKET, INC. (Roy A. Butler), by Joseph-Young Associates (Scott Young), 900-912 West 6th Street and 601-631 North Lamar Boulevard. From DMU & MF-4 to CS.
Postponed to October 21, 1993

PUBLIC HEARING AND APPROVAL OF ORDINANCES/RESOLUTIONS

56. 4:30 P.M. - Approve the reallocation of \$45,000 in the 18th Year Community Development Block Grant (CDBG) Program by canceling CDBG assistance to the Sheltered Day Labor Pick-up site, in the amount of \$45,000, and creating a new 18th Year CDBG activity, in the amount of \$45,000 to purchase and equip a mobile outreach van to improve services to families eligible for the Women, Infants and Children

(WIC) nutrition and education program. (Recommended by Housing Subcommittee.)

Public hearing closed and reallocation approved, on Mayor Pro Tem Urdy's motion, Councilmember Goodman's second, 7-0 Vote.

EXECUTIVE SESSION (No Public Discussion on These Items)

Pending/Contemplated Litigation - Sec. 551.071

57. Discussion of Cathy Lee Jordan v. B. Daryl Bristow and the City of Austin; Cause No. 92-09694.
58. Discussion of State of Texas v. City of Austin and Missouri Pacific Railroad Company; Cause No. 3-92-466-CV.
59. Discussion of Milburn Investments, Inc., Plaintiff, Wells Branch Municipal Utility District, Intervenor v. City of Austin et al, in the 261st Judicial District Court of Travis County, Texas; Cause No. 93-08464.
60. Discussion of Gutierrez et al, v. Mobil Oil Corp, et al, District Court, Travis County, Texas; Cause No. 92-04889.

Advice from Counsel - Section 551.071

61. Discussion on applicability of Sec. 13-7-36.8(b) of the Land Development Code to the Barton Creek Planned Unit Development.

RECESS

(All of the above items, with the exception of 59., were discussed in Executive Session, the morning of this date, in the Mayor's office.)

Mayor Todd announced Council would enter into executive session on the following items. Council recessed to executive session at 4:52 P.M. and returned to the regular meeting at 5:16 P.M.

62. Discussion on consideration of alternatives to the Barton Creek Planned Unit Development.
64. Discussion of Barbara Ancira Vallone et al v. City of Austin, Cause No. 92-08134, District Court, Travis County, Texas.

ACTION ON THE FOLLOWING

65. Approve settlement of Barbara Ancira Vallone et al v. City of Austin, Cause No. 92-08134, District Court, Travis County, Texas in

the amount of \$83,000.00

On Councilmember Garcia's motion, Councilmember Reynolds' second, 7-0 Vote.

63. APPOINTMENTS

The following appointments were made on Councilmember Shea's motion, Mayor Pro Tem Urdy's second, 6-0 Vote, Councilmember Garcia out of the room.

Arts Commission - Maxine Lubell Barkan, Dr. Maria Garza, Bruce Villenzik

Board of Adjustment - Keith Warner

Child Care Council - Dr. Tiny Baranoff

Firemen's and Policemen's Civil Service Commission - Dr. Judith Ann Laredo

Community Development Commission - Judy Baker, Dolores Mendez, Yolanda Nanyes

The Design Commission - Cekic Milosav, Juan Coteria, Professor Robert Mugerauer, Tom Shefelman

Downtown Commission - Cathy Vasquez-Revilla, Clovis Heimsath, John Hickman, Jerry Shav, Reverend Sterling Lands, and Diane Valera

Ethics Review Commission - Dr. Marvin Griffin, Dr. Alan Sager

Federally Qualified Health Center Board - Scott Mandel

Mayor's Committee for People with Disabilities - Jean Wimberly

Mental Health Mental Retardation Center Board of Trustees - Lynda Henry, Martha Martinez

Music Commission - Gordon Fowler, Carlyne May Majewski

Parks and Recreation Board - Dolores Duffie

Resource Management Commission - Peter Pfeiffer

Urban Forestry Board - Robin Abrams

Water & Wastewater Commission - Larry Deuser, John Wooley

ADJOURN - The meeting was adjourned at 5:41 P.M. on Councilmember Shea's motion, Councilmember Reynolds' second, 7-0 Vote.

Q. 1

Q. 2

Q. 3